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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,909	06/14/2001	Kyoko Nakamura	44084-496	5551

7590 08/26/2005  
 MCDERMOTT, WILL & EMERY  
 600 13th Street, N.W.  
 WASHINGTON, DC 20005-3096

EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/879,909

**Applicant(s)**

NAKAMURA, KYOKO

**Examiner**

LUONG T. NGUYEN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 7, 8, 10, 11 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 9 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/14/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Species III, Figures 12-14, claims 1, 2, 6, 9 and 12 in the reply filed on 3/21/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 3-5, 7-8, 10-11, 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/21/2005.

### *Priority*

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

4. The drawings are objected to because of the following informalities:

In Figure 3, in step S3, "SERCH FOR" should be changed to --SEARCH FOR--.

In Figure 5, in step S18, "ORIENTAION" should be changed to --ORIENTATION--.

In Figure 13 (step S102), Figure 14 (step S202 "SERCH MENU" should be changed to --SEARCH MENU--.

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In Figure 13 (step S107), Figure 14 (step S208), "SERCH RESULT" should be changed to --SEARCH RESULT--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because the abstract uses the legal phraseology "means," which should be avoided. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (U. S. Patent No. 6,671,391).

Regarding claim 1, Zhang et al. discloses an image extracting apparatus comprising:

an acquiring portion which acquires a plurality of signals each representative of an image of one or more subjects (pluralities of images 56 are input into computer 20 via camera interface 57, Figure 1, Column 2, Lines 30-40, Column 8, Lines 3-10);

a determining portion which determines orientations the subjects based on each of the signals (the face detection system detects both frontal face and non-frontal views of a person's face (orientations of the subjects), Column 2, Lines 20-28, Column 8, Line 60 - Column 9, Line 35).

Zhang et al. fails to specifically disclose an extracting portion which extracts a predetermined signal from among the signals based on the determination. However, Zhang et al.

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discloses that the computer system 20 includes a monitor 47 for displaying images stored in RAM 25 (Figure 1, Column 8, Lines 20-26). It would have been obvious to include an extracting portion into the system in order to extract signals, which has been detected as frontal face or non-frontal face views of a person's face, to be displayed on the monitor 47. This allows the user can select a desired view of a person's face.

Regarding claim 2, Zhang et al. discloses wherein the signals are acquired from a storage region (RAM 25, Figure 1, Column 8, Lines 10-11) in which the signals are stored.

Regarding claim 6, Zhang et al. discloses wherein the subjects is person's heads (faces of plurality of people, Column 8, Lines 65-67).

Regarding claim 12, Zhang et al. discloses an image extracting method comprising the steps of:

accepting a specification about an orientation (images containing either frontal or non-frontal views of the person's face, Column 1, Lines 65-67);

successively acquiring a plurality of image signals representative of an object of a predetermined orientation from a database in which the image signals are stored (pluralities of images 56, which are either frontal or non-frontal views of the person's face, are input into computer 20 via camera interface 57, then stored in RAM 25, Figure 1, Column 2, Lines 30-40, Column 8, Lines 3-10);

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successively determining whether the orientation of the object represented by the acquired signal specified orientation or not in response to the successive signal acquisition (the face detection system detects both frontal face and non-frontal views of a person's face (orientations of the subjects), Column 2, Lines 20-28, Column 8, Line 60 - Column 9, Line 35).

Zhang et al. fails to specifically disclose displaying, by use of a signal determined to be representative of the specified orientation, an image represented by the signal. However, Zhang et al. discloses that the computer system 20 includes a monitor 47 for displaying images stored in RAM 25 (Figure 1, Column 8, Lines 20-26). It would have been obvious to include the step of displaying, by using a signal which has been detected as frontal face or non-frontal face views of a person's face, an image represented by the signal on the monitor 47. This allows the user can select a desired view of a person's face.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (U. S. Patent No. 6,671,391) in view of (Hagiwara et al. U. S. Patent No. 6,816,611).

Regarding claim 9, Zhang et al. fails to specifically disclose wherein the extracted signals is recorded onto a recording medium. However, Hagiwara et al. teaches a facial region extracting method, in which if the region of interest is a facial region, the position and size of that region are stored in the recording device 165, Figure 16, Column 11, Lines 18-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Zhang et al. by the teaching of Hagiwara et al. in order to store a desired image.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maeno (U. S. Patent No. 5,283,644) discloses crime prevention monitor system.

Wang (U. S. Patent No. 6,038,333) discloses person identifier management system.

Niyogi et al. (U. S. Patent No. 6,144,755) discloses method and apparatus for determining poses.

Baluja et al. (U. S. Patent No. 6,128,397) discloses method for finding all frontal faces in arbitrarily complex visual scenes.

Kadp et al. (U. S. Patent No. 6,181,806) discloses apparatus for identifying a person using facial features.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN  
08/21/05



**LUONG T. NGUYEN**  
**PATENT EXAMINER**